

2012 34039

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

Plaintiffs

VS.

GEORGE NADDOUR; AND THE  
PREMISES LOCATED AT 921 W FM  
1960, HOUSTON, HARRIS COUNTY,  
TEXAS IN REM

Defendants

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

61st JUDICIAL DISTRICT

Jury Demanded

**PLAINTIFF'S ORIGINAL PETITION FOR ABATEMENT OF COMMON AND PUBLIC NUISANCES,  
APPLICATION FOR A PERMANENT INJUNCTION, AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**SHORT STATEMENT OF THE CASE**

1. Harris County Attorney Vince Ryan brings this Original Petition on behalf of the State of Texas (State) plaintiff-petitioner (plaintiff), to permanently enjoin and abate common and public nuisances<sup>1</sup> caused by George Naddour and 921 W FM 1960 Houston, Harris County, Texas in rem.

2. The premises located at 921 W FM 1960 Houston, Harris County, Texas, In Rem (Defendants) is a place where persons habitually go for the purpose of prostitution, promotion of prostitution, aggravated promotion of prostitution; and for other common nuisance activities. George Naddour knowingly tolerates the activity and fails to make reasonable attempts to abate these activities.

3. George Naddour, owner of the premises located at 921 W FM 1960 Houston, Harris County, Texas, has been notified multiple times, by multiple parties of the nuisance and

<sup>1</sup> Tex. Civ. Prac. & Rem. Code §§ 125.002(a), 125.0015, & 125.064.

**FILED**  
Chris Daniel  
District Clerk  
JUN 12 2012  
Harris County, Texas  
By \_\_\_\_\_ Time: \_\_\_\_\_

criminal activities that take place at 921 W FM 1960 Houston, Harris County, Texas, including at least one occasion where Mr. Naddour was notified in person by Harris County Investigators. Mr. Naddour's failure to remedy the common and public nuisances which occur on his property is prima facie evidence of his intentional disregard for the laws of Harris County and the State of Texas, and his knowing permission of the nuisance and criminal activities which take place at 921 W FM 1960 Houston, Harris County, Texas.

4. Plaintiffs further aver that Taishang Holdings, LLC, DBA Crystal Relaxation the lessee of the property owned by George Naddour, located at 921 W FM 1960 #119 Houston, Harris County, Texas, including their owners, management, and employees, are engaged in gang<sup>2</sup> related organized criminal activities that constitute a public nuisance – as defined in Tex. Civ. Prac. & Rem. Code 125.061, and Tex. Penal Code §§ 71.01 & 71.02.

5. Plaintiffs further aver that Rebecca McLemore, DBA Empire Spa, the lessee of the property owned by George Naddour, located at 921 W FM 1960 #104f Houston, Harris County, Texas, including their owners, management, and employees, are engaged in gang related organized criminal activities that constitute a public nuisance – as defined in Tex. Civ. Prac. & Rem. Code 125.061, and Tex. Penal Code §§ 71.01 & 71.02.

6. Plaintiffs further aver that Frank Chia-Ching Liu, DBA Royal Spa, the lessee of the property owned by George Naddour, located at 921 W FM 1960 #120 Houston, Harris County, Texas, including their owners, management, and employees, are engaged in gang related organized criminal activities that constitute a public nuisance – as defined in Tex. Civ. Prac. & Rem. Code 125.061, and Tex. Penal Code §§ 71.01 & 71.02.

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<sup>2</sup> "Criminal street gang" means three or more persons having . . . an identifiable leadership who continuously or regularly associate in the commission of criminal activities. Tex. Penal Code § 71.01(d).

7. Plaintiffs further aver that Nite Moves, which is owned by Mr. Naddour, located at 921 W FM 1960 #116 Houston, Harris County, Texas, including their owners, management, and employees, are engaged in gang<sup>3</sup> related organized criminal activities that constitute a public nuisance – as defined in Tex. Civ. Prac. & Rem. Code 125.061, and Tex. Penal Code §§ 71.01 & 71.02.

#### **DISCOVERY CONTROL PLAN**

8. The plaintiff moves the Court to issue a docket control order under Tex. R. Civ. P 190.4, tailored to the circumstances of this specific suit, and setting the permanent injunction hearing as soon as practicable after a reasonable time for discovery. The State also asks the Court to require the defendant to execute a bond – to be conditioned that the defendant will not knowingly allow a common nuisance to exist at the defendant’s place; and issue an order under Tex. Civ. Prac. & Rem. Code § 125.045 – with reasonable requirements to prevent the continued use or maintenance of the place as a nuisance.

#### **STATUS OF THE PARTIES**

9. The State of Texas, by and through Harris County Attorney Vince Ryan’s Office, with its principal office located at 1019 Congress, 15th Floor, Houston, Texas, is duly authorized under Tex. Civ. Prac. & Rem. Code § 125.002 to bring and prosecute this cause of action to enjoin and have abated those activities declared to be a common or public nuisance and to have the premises which occupy the real estate known by the street address at 921 W FM 1960, Houston, Harris County, Texas (“Premises”) closed and any other such relief to abate the nuisance. As provided by Tex. Civ. Prac. & Rem. Code § 6.001, the State of Texas is exempt

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<sup>3</sup> “Criminal street gang” means three or more persons having . . . an identifiable leadership who continuously or regularly associate in the commission of criminal activities. Tex. Penal Code § 71.01(d).



from bond and court costs. Further, the State of Texas need not plead specific harm or inadequacy of legal remedy.

10. Defendant George Naddour is the owner of the Premises known as 921 W FM 1960, Houston, Harris County, Texas at all times material to this action. Mr. Naddour may be served at 26642 Bridlewood Dr. Bridlewood CA 92653.

11. As avered above, the Premises located at 921 W FM 1960 #104f, 116, 119, & 120, Houston, Harris County, Texas are operated as a common nuisance. Tex. Civ. Prac. & Rem. Code § 125.0015. Plaintiffs bring this suit *in rem* pursuant to Tex. Civ. Prac. & Rem. Code § 125.002(b). This *in rem* Defendant may be served by serving the owner of the Premises, George Naddour, 26642 Bridlewood Dr. Bridlewood CA 92653. In the alternative, and by separate motion, plaintiff requests service under Rule 109a of the Texas Rules of Civil Procedure by affixing to the front door of the premises located at 921 W FM 1960 #104f, 116, 119, & 120, Houston, Harris County, Texas a citation to which an accurate copy of the Plaintiff's Original Petition is attached.

#### JURISDICTION AND VENUE

12. This Court has subject matter and personal jurisdiction under Tex. Civ. Prac. & Rem. Code §§ 125.002(a) & 125.064. The defendants are maintaining the property as a common and public nuisance. Venue is proper.<sup>4</sup> The real property at issue is located in Harris County, Texas.

#### STATEMENT OF FACTS

13. Defendant has knowingly allowed nuisance activity under Tex. Civ. Prac. & Rem. Code Chapter 125 -- including prostitution, narcotics, unlawfully carrying a weapon, and

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<sup>4</sup> Tex. Civ. Prac. & Rem. Code § 15.016 & § 125.002(a).

aggravated assault, to habitually occur at 921 W FM 1960, Houston, Harris County, Texas. In the last four years, more than thirty (30) Chapter 125 crimes have occurred at 921 W FM 1960, Houston, Harris County, Texas. And, within the past 12 months, more than five gang related activities involving the combination have occurred at Crystal Relaxation, Empire, and Royal located at 921 W FM 1960, Houston, Harris County, Texas, which meets the definition of “continuously and regularly.” Tex. Civ. Prac. & Rem. Code § 125.061(2), § 125.062. “Gang Activity” means organized criminal activity under § 71.02 of the Tex. Penal Code, which includes promotion of prostitution, aggravated promotion of prostitution, and delivery of controlled substances. The frequency of criminal and nuisance activity is prima facie evidence that the Owner of 921 W FM 1960, Houston, Harris County, Texas, George Naddour, knowingly permitted the acts. Tex. Civ. Prac. & Rem. Code § 125.069.

Listed below are fifty seven (57) recorded police investigations which have occurred at 921 W FM 1960, Houston, Harris County, Texas since February of 2009.

09-24314	February 17, 2009	Unlicensed Message Business
09-24314	February 17, 2009	Interfering with Public Servant
09-24314	February 17, 2009	Evading Arrest/Detention
09-25606	February 19, 2009	Prostitution
09-44917	March 30, 2009	Unlicensed Message Therapist
09-44917	March 30, 2009	Unlicensed Message Business
09-44917	March 30, 2009	Employ Unlicensed Therapist
09-92792	June 24, 2009	Unlicensed Message Business
09-92792	June 24, 2009	Unlicensed Message Therapist
09-92792	June 24, 2009	Unlicensed Message Therapist
09-92792	June 24, 2009	Unlicensed Message Business
09-95370	June 29, 2009	Unlicensed Message Therapist
09-95370	June 29, 2009	Unlicensed Message Business
09-135623	September 14, 2009	Unlicensed Message Therapist
09-135623	September 14, 2009	Unlicensed Message Business
09-135623	September 14, 2009	Employ Unlicensed Therapist
10-23275	February 19, 2010	Unlicensed Message Therapist
10-23275	February 19, 2010	Unlicensed Message Business
10-117995	February 24, 2010	Unlicensed Message Therapist



10-117995	February 24, 2010	Unlicensed Message Business
10-37600	March 20, 2010	Drug Related Offense
10-415662	April 17, 2010	Drug Related Offense
10-529886	May 29, 2010	Gang Related Offense
10-161214	November 21, 2010	Aggravated Assault
10-170630	December 11, 2010	Aggravated Robbery
10-179873	December 30, 2010	Drug Related Offense
11-12764	January 27, 2011	Unlicensed Message Therapist
11-12764	January 27, 2011	Prostitution
11-13168	January 28, 2011	Unlicensed Message Therapist
11-13168	January 28, 2011	Unlicensed Message Therapist
11-13168	January 28, 2011	Unlicensed Message Business
11-13964	January 30, 2011	Weapons Violation
11-13971	January 30, 2011	Dead Cond
11-214504	February 15, 2011	Nuisance Abatement
11-30839	March 8, 2011	Unlicensed Message Therapist
11-30839	March 8, 2011	Unlicensed Message Business
11-326158	March 27, 2011	Robbery of an Individual
11-41278	March 30, 2011	Possession of Gambling equip.
11-41278	March 30, 2011	Possession of Gambling equip.
11-42702	April 2, 2011	Weapons Violation
11-67300	May 22, 2011	Aggravated Robbery
11-79294	June 15, 2011	Aggravated Assault
11-84700	June 27, 2011	Aggravated Assault
11-84700	June 27, 2011	Aggravated Assault
11-88681	July 5, 2011	Unlicensed Message Therapist
11-88681	July 5, 2011	Unlicensed Message Business
11-88681	July 5, 2011	Employ Unlicensed Therapist
11-95877	July 19, 2011	Prostitution
11-139520	October 18, 2011	Unlicensed Message Therapist
11-139520	October 18, 2011	Unlicensed Message Business
11-139520	October 18, 2011	Unlicensed Message Therapist
11-139520	October 18, 2011	Unlicensed Message Business
11-142441	October 24, 2011	Unlicensed Message Therapist
11-142441	October 24, 2011	Unlicensed Message Business
11-154366	November 17, 2011	Prostitution
12-28210	February 29, 2012	Criminal Trespass
12-56714	May 1, 2012	Prostitution

#### COMMON NUISANCE

14. In keeping with Tex. Civ. Prac. & Rem. Code § 125.002(h), Plaintiffs have considered the failure of Defendants to promptly notify the appropriate law enforcement agency

of the occurrence of such criminal acts at the Premises and to cooperate with law enforcement investigations of criminal acts on the Premises.

15. The general reputation of 921 W FM 1960, Houston, Harris County, Texas in the community will also show the existence of this common nuisance.<sup>5</sup>

16. The frequency of the violations described above is prima facie evidence that the defendant collectively and knowingly tolerated the prostitution, promotion of prostitution, and other illegal and nuisance type acts.<sup>6</sup>

17. “[A] person who maintains a place to which persons habitually go . . . and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.”<sup>7</sup> 921 W FM 1960, Houston, Harris County, Texas constitutes a common nuisance within the meaning of Tex. Civ. Prac. & Rem. Code § 125.001 et seq.

18. Statutory common nuisances are listed at Tex. Civ. Prac. & Rem. Code § 125.0015. Plaintiffs contend that George Naddour violated the following:

- a. § 125.0015(a)(3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
- a. § 125.0015(a)(6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
- b. § 125.0015(a)(7) compelling prostitution as prohibited by the Penal Code;
- c. § 125.0015(a)(14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;
- d. § 125.0015(a)(18) massage therapy or other massage service in violation of Chapter 455, Occupations Code;

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<sup>5</sup> Tex. Civ. Prac. & Rem. Code § 125.004(c).

<sup>6</sup> *Id* at subsection (a).

<sup>7</sup> Tex. Civ. Prac. & Rem. Code § 125.0015(a).



e. § 125.0015(a)(20) trafficking of persons as described by Section 20A.02, Penal Code.

#### **PUBLIC NUISANCE**

19. Taishang Holdings, LLC and George Naddour maintain a façade of legitimacy at Crystal Relaxation to facilitate an organized “combination” of manager-employees, pimps, and prostitutes expressly prohibited under Tex. Civ. Prac. & Rem. Code § 125.063. “Combination” means three or more persons who collaborate in carrying on criminal activities . . . .”<sup>8</sup>

20. Rebecca McLemore and George Naddour maintain a façade of legitimacy at Empire Spa to facilitate an organized “combination” of manager-employees, pimps, and prostitutes expressly prohibited under Tex. Civ. Prac. & Rem. Code § 125.063. “Combination” means three or more persons who collaborate in carrying on criminal activities . . . .”<sup>9</sup>

21. Frank Chia-Ching Liu and George Naddour maintain a façade of legitimacy at Royal Spa to facilitate an organized “combination” of manager-employees, pimps, and prostitutes expressly prohibited under Tex. Civ. Prac. & Rem. Code § 125.063. “Combination” means three or more persons who collaborate in carrying on criminal activities . . . .”<sup>10</sup>

22. The plaintiff sues to enjoin and abate the public nuisances under Tex. Civ. Prac. & Rem. Code § 125.064.

#### **REQUEST FOR TEMPORARY INJUNCTIVE RELIEF**

23. 921 W FM 1960, Houston, Harris County, Texas is knowingly maintained as an establishment where prostitution, promotion of prostitution; and other crimes under Chapter 125 of the Texas Civil Practice & Remedies Code are committed. As such the property constitutes a

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<sup>8</sup> Tex. Penal Code § 71.01.

<sup>9</sup> Tex. Penal Code § 71.01.

<sup>10</sup> Tex. Penal Code § 71.01.



public and common nuisance as defined by Sections 125.062, 125.063, and 125.0015(a) of the Texas Civil Practice & Remedies Code.

24. Defendants have failed or refused to abate the nuisance. Defendants are likely to continue to maintain the property as a common and public nuisance unless restrained by an injunctive order of the Court or other such relief.

25. Unless the Court enjoins these defendants from maintaining the property as a common and public nuisance, the citizens of Harris County, Texas will suffer irreparable harm. The State has no other adequate remedy at law to prevent the continued maintenance of the property as a common and public nuisance.

26. The consequences of the above-described unlawful activities at the property, as well as the foreseeable resulting criminal activity associated with these acts, would proximately cause a person of ordinary sensibilities to be substantially frightened, discomforted, annoyed and inconvenienced in the use of any premises surrounding the property.

#### **REQUEST FOR PERMANENT INJUNCTIVE RELIEF**

27. Additionally, the State seeks permanent injunctive relief.

28. If final judgment favors the State, the Court shall grant a permanent injunction ordering the defendant, including the real property known as 921 W FM 1960, Houston, Harris County, Texas, to abate the nuisance and/or be forever enjoined from maintaining or participating in the common and public nuisances existing on the property. The Court may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance.

29. Because the plaintiffs bring this action in rem, the final judgment shall be a judgment in rem, and must order that places where nuisances exist be closed for one year after the date of judgment or other such relief.<sup>11</sup>

30. A person who violates a temporary or permanent injunctive order is subject to the following sentences for civil contempt:<sup>12</sup>

- a. fine of not less than \$1,000 or more than \$10,000;
- b. confinement in jail for a term of not less than 10 or more than 30 days;
- c. both a fine and confinement.

#### **ATTORNEY'S FEES**

31. In order to litigate this case, it was necessary to secure the services of the undersigned attorneys. Plaintiff requests that Defendants be adjudged jointly and severally liable for the Plaintiff's reasonable attorneys' fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

#### **INITIAL DISCLOSURES**

32. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court grant judgment in favor of Plaintiffs for a permanent injunction and other such relief; and issue a judgment *in rem* against the Premises located at 921 W FM 1960 #104f, 116, 119, & 120, Houston, Harris County, Texas closing it for one year. Further, Plaintiff prays for its costs of

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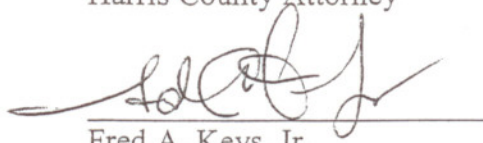
<sup>11</sup> Tex. Civ. Prac. & Rem. Code § 125.002(e).

<sup>12</sup> Tex. Civ. Prac. & Rem. Code § 125.002(d).

court, reasonable attorney's fees, investigative costs, witness fees, any other reasonable expenses and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

VINCE RYAN  
Harris County Attorney

A handwritten signature in dark ink, appearing to read 'Fred A. Keys, Jr.', is written over a horizontal line.

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